

CIVIL SERVICE COMMISSION MINUTES

AUGUST 3, 2005

A meeting of the Civil Service Commission was held at 2:30 p.m., in the 7th Floor Tower of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
Barry I. Newman
Francesca Krauel
W. Dale Bailey

Absent was: None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

September 7, 2005

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: 7th Floor Tower, 1600 Pacific
Highway, San Diego, California

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Krauel. Carried.

County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

- County Administration Center, 7
- th
- Floor (Tower)

1. Approval of the Minutes of the regular meeting of July 6, 2005.

2. Commissioner Newman: **Barbara McGeorge**, former Human Resources Analyst, appealing a Final Order of Removal and Charges from the Department of Human Resources.

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3. Commissioner Krauel: Kathleen Rosario on behalf of **Xieu M. Chrong**, former Paralegal II, appealing a Final Order of Termination and Charges from the Office of the District Attorney. (See item #10 below.)

Confirmed.

SELECTION PROCESS

Findings

4. **Richard A. Gale**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff-Detentions/Court Services.

5. **Javier Medina**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff-Detentions/Court Services.

6. **Michael Hadley**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff-Detentions/Court Services.

RECOMMENDATION: Ratify Item Nos. 4-6. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item Nos. 4-6 ratified.

CIVIL SERVICE RULES

7. **Carlos Arauz**, Director, Department of Human Resources, requesting the Commission's review of proposed Rule revisions and transmittal to the Board of Supervisors. (Continued from the May 18th, June 1st and July 6th Commission meetings.)

RECOMMENDATION: Approve Rule revisions and forward to the Board of Supervisors.

At the meeting, Patt Zamary, Executive Officer, proposed an additional amendment. She referred to Section 1.1.10 of the Civil Service Rules, requesting an amendment to the phrase "executive session", amending it to read "closed session". Carlos Arauz, Director of DHR, agreed with the amendment.

Motion by Newman to approve rule revisions (including amendment to Section 1.1.10) and forwarding of same to the Board of Supervisors; seconded by Bailey. Carried.

OTHER MATTERS

Performance Appraisal

8. **Stacie Neldaughter**, Deputy Public Administrator-Guardian, requesting an investigation into the Health and Human Services Agency's handling of an appealed Performance Appraisal for the period March 1, 2002 to March 1, 2003 as well as a Performance Appraisal for the period March 2, 2003 to March 1, 2004.
(Continued from the July 6th Commission meeting.)

RECOMMENDATION: Deny Requests.

Staff recommendation approved.

Reconsideration

9. **Stacie Neldaughter**, Deputy Public Administrator-Guardian, requesting reconsideration of the Commission's March 16, 2005 denial of a request for a Rule XI investigation into the conduct and operations of the Public Administrator/Public Guardian.

RECOMMENDATION: Deny Request.

Patt Zamarly, Executive Officer, explained to the Commission that Ms. Neldaughter had sent an e-mail to the Commission office that afternoon requesting that the Commission uphold the integrity of the Personnel System of the County of San Diego by either continuing this matter or granting her request for a Rule XI investigation. Ms. Neldaughter was unable to attend this meeting.

Commissioner Newman pointed out that the communication implies that if the Commission denies her request, it would be precluding her and the public from reaching out for just treatment. Commissioner Newman stated that he did not believe that the Commission's action as staff recommended would preclude Ms. Neldaughter and/or the public from reaching out for just treatment.

Staff recommendation approved.

10. Kathleen Rosario on behalf of **Xieu M. Chrong**, former Paralegal II, Office of the District Attorney, requesting the sealing of a Performance Appraisal for the period January 11, 2004 to January 10, 2005. (See item #3 above.)

RECOMMENDATION: Deny Request.

Kathleen Rosario, representing Ms. Chrong, pointed out alleged procedural violations that occurred during the internal appeal process.

Cheryl Ruffier, HR administrator of the DA's office, explained that numerous hours were involved in Ms. Chrong's

appeal process. Ms. Ruffier explained that the purpose of sealing a performance appraisal is to protect an employee from any prejudice caused by procedural defects. She indicated that Ms. Chrong's time limits were extended per Ms. Chrong's request. The Department maintains it was fair and flexible, and that Ms. Chrong's due process was met.

Commissioner Newman clarified a few points with Ms. Rosario, and explained his stance as a Commissioner regarding performance appraisal sealings. The Commission felt that Ms. Chrong was not prejudiced by this appraisal.

**Motion by Newman to accept staff recommendation;
seconded by Bailey. Carried.**

Ratification of Medical Provider

11. Ratification of **Michael J. Shack, M.D.**, as an additional name to the list of medical providers to be used for fitness for duty examinations at the request of the Department of Human Resources.

12. Ratification of **Robert S. Warren, M.D.**, as an additional name to the list of medical providers to be used for fitness for duty examinations at the request of the Department of Human Resources.

13. Ratification of **Robert C. Meredith, M.D.**, as an additional name to the list of medical providers to be used for fitness for duty examinations at the request of the Department of Human Resources.

RECOMMENDATION: Ratify Item Nos. 11-13.

Item Nos. 11-13 ratified.

INFORMATION

14. Donna Clark-Richardson, SEIU Local 2028, on behalf of **Ray Scott**, Senior Cook, withdrawing appeals of two (2) Orders of Pay Step Reduction and Amended Charges from the Sheriff's Department. (Commissioner Krauel)

Withdrawn.

15. Public Input.

ADJOURNED: 3:30 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

SEPTEMBER 7, 2005